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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**FILED**

MAR 16 2005

10

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

MICHAEL BARAZ and MAZENAH BARAZ,

Plaintiffs

v.

Michael Comfort, District Director of the Citizenship  
and Immigration Service and Michael Chertoff,  
Secretary of the U.S. Department of Homeland Security

Case No.

JUDGE COAR

**05C 1549**

MAGISTRATE JUDGE ASHMAN

COMPLAINT FOR MANDAMUS

Plaintiffs Michael Baraz and Mazenah Baraz, by and through their undersigned attorneys, for their Complaint for Mandamus against Defendants, Michael Comfort, District Director of the Chicago Office for Citizenship and Immigration Services, and Michael Chertoff, Secretary of Homeland Security allege as follows:

Nature of the Case and Parties

1. This is a civil action to compel the Chicago District Director of the Office for Citizenship and Immigration Services to either reconsider and rescind the revocation of the Plaintiff's Petition for Alien Relative or in the alternative, to forward the Plaintiffs' Notice of Appeal to the Board of Immigration Appeals as required by 8 C.F.R. § 1003.6.

2. Plaintiff Michael Baraz is a citizen of the United States. Mr. Baraz currently resides at 1034 W. Randolph, Oak Park, Illinois.

3. Plaintiff Mazenah Baraz is a citizen of Malaysia who resides at 1034 W. Randolph, Oak Park, Illinois.

4. Defendants are the District Director of the Chicago Office for Citizenship and Immigration Services ("CIS") and the Secretary of the Department of Homeland Security. They are sued in their official capacity.

#### Jurisdiction and Venue

5. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1361.

6. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e) because the events and omissions giving rise to this matter occurred in this District and because Plaintiffs reside in this District.

#### Statement of the Case

7. The Plaintiffs were married in Chicago, Illinois on December 26, 1991.

8. On June 17, 2003, the Chicago Office for Citizenship and Immigration Services for the second time approved a Petition for Alien Relative that the Plaintiff Michael Baraz had filed on behalf of his wife, Mazenah Baraz.

9. On February 19, 2004 at a hearing scheduled for a decision of Mazenah Baraz's application for adjustment of status, the CIS served the Plaintiffs with a "Notification of Revocation of Petition for Alien Relative".

10. Contrary to Section 205 of the Immigration and Nationality Act, and 8 C.F.R. §205.2, the CIS did not serve the Plaintiffs with a Notice of Intent to Revoke.

11. On March 3, 2004, the Plaintiffs by Counsel properly filed a Notice of Appeal to the Board of Immigration Appeals from a Decision of an INS Officer. (See Exhibit A)

12. On October 27, 2004, after having been informed by the Clerk of the Board of Immigration Appeals that neither the Notice of Appeal nor the record of proceedings had been forwarded to the Board, Plaintiffs by Counsel sent an inquiry to both the CIS District Director and the Examinations Supervisor. (See Exhibit B)

13. Defendants have failed to respond to the Plaintiff's inquiries and Clerk of the Board of Immigration Appeals continues to confirm that nothing has been forwarded to the Board.

14. More than one year has now passed since the notice of appeal was filed and it appears that CIS has not reconsidered their decision nor has it forwarded the record to the Board.

#### **Claim for Relief**

15. Defendants willfully and unreasonably have delayed in, and have refused to either reconsider their revocation, or forward Notice of Appeal and record of proceedings to Board of Immigration Appeals, thereby, depriving Plaintiffs of their right under the Administrative Procedure Act, 5 U.S.C. §555 (b) to a final adjudication of their petition in a reasonable time.

16. Defendants owe Plaintiffs the duty to act on their petition within a reasonable time and have unreasonably failed to perform that duty.

17. Plaintiffs have exhausted any administrative remedies that may exist and have not caused or contributed to the CIS delay in adjudicating their petition.

**Prayer for Relief**

WHEREFORE Plaintiff prays that this Court:

- A. Accept jurisdiction and maintain continuing jurisdiction of this Action.
- B. Compel Defendants and those acting under them to adjudicate the Plaintiff's petition.
- C. Grant such other and further relief as this Court deems proper under the circumstances.

Dated: March 15, 2005

By:

Donald B. Kempster  
Donald B. Kempster, Esq.

Plaintiff's Attorney: Donald B. Kempster  
Attorney Code: 26650  
Kempster, Keller & Lenz-Calvo, Ltd.  
332 S. Michigan Avenue, Suite 1428  
Chicago, IL 60604  
Phone Number: 312/341-9730

**BARAZ, Michael and Mazenah**

**EXHIBITS:**

- Exhibit A - Copy of Notice of Appeal
- Exhibit B - Copy of Inquiry

U.S. Department of Justice  
Executive Office for Immigration Review  
Board of Immigration Appeals

Notice of Appeal to the Board of Immigration  
Appeals from a Decision of an INS Officer

**WHERE TO FILE THIS APPEAL:**

Do not file this directly with the board of Immigration Appeals.

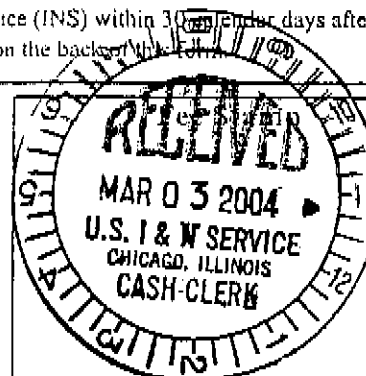
This notice of appeal must be filed with the Immigration and Naturalization Service (INS) within 30 calendar days after service of the decision of the INS Officer. Please read the complete instructions on the back of this form.

In the Matter of (Name and "A" Number):

Mazenah

BARAZ

A29 483 550



1. I hereby appeal to the Board of Immigration Appeals from the decision on the  
Michael Comfort, District Director dated 2/19/2004, in the  
(Title of INS officer) (Date of INS Decision)  
above entitled case.
2. Specify reasons for this appeal and continue on separate sheets if necessary. Please refer to Instruction #2 for further guidance. *Warning: If the factual or legal bases for the appeal is not sufficiently described, the appeal may be summarily dismissed.*  
  
Please see attached.

3. Do you desire oral argument before the Board of Immigration Appeals? ☒ Yes ☐ No
4. Do you intend to file a separate written brief or statement after filing this Notice of Appeal?  
☒ Yes ☐ No - I request a 30-day period after receipt of government response in order to submit a written brief.

Date

20 Feb 2004

Signature of Appellant  
(or attorney or representative)  
Michael Baraz

(Print or type name)

1034 West Randolph

Oak Park

IL 60302

Address (number, street, city, state, ZIP code)

2.A) The government's revocation of the visa petition clearly fails to comply with the requirements of Section 205 of the Immigration and Nationality Act and 8 CFR § 205.2.

Section 205 of the Immigration and Nationality Act states that a revocation shall have no effect unless it has been mailed to the petitioner's last known address and unless the beneficiary is notified before he or she commences a journey to the United States. Federal Regulations at 8 CFR § 205.2 further provide that:

(b) Notice of intent. Revocation of the approval of a petition or self-petition under paragraph (a) of this section will be made only on notice to the petitioner or self-petitioner. The petitioner or self-petitioner must be given the opportunity to offer evidence in support of the petition or self-petition and in opposition to the grounds alleged for revocation of the approval. (Revised 3/26/96; 61 FR 13061)

(c) Notification of revocation. If, upon reconsideration, the approval previously granted is revoked, the director shall provide the petitioner or the self-petitioner with a written notification of the decision that explains the specific reasons for the revocation. The director shall notify the consular officer having jurisdiction over the visa application, if applicable, of the revocation of an approval. (Added 3/26/96; 61 FR 13061)

(d) Appeals. The petitioner or self-petitioner may appeal the decision to revoke the approval within 15 days after the service of notice of the revocation. The appeal must be filed as provided in part 3 of this chapter, unless the Associate Commissioner for Examinations exercises appellate jurisdiction over the revocation under part 103 of this chapter. Appeals filed with the Associate Commissioner for Examinations must meet the requirements of part 103 of this chapter. (Added 3/26/96; 61 FR 13061) [48 FR 19156, Apr. 28, 1983]

In this case petitioner's counsel was served with the notification of revocation at the commencement of a removal hearing that had been scheduled in order to consider the beneficiary's application for adjustment of status. The Office of U.S. Citizenship and Immigration Services did not send a copy of the revocation to the petitioner, it did not serve the petitioner with a notice of an intent to revoke, and "opportunity to offer evidence in support of the petition or self-petition and in opposition to the grounds alleged for revocation," and it did not notify the petitioner of his right to file an appeal as required by the regulations (See Exhibit A).

B) The Government's revocation of the visa petition fails to provide an adequate factual basis for the revocation.

The Regulations at 8 CFR § 205.2 clearly state that the government is required to give the petitioner an opportunity to offer evidence in opposition to the grounds alleged for revocation. In this case the notification of revocation merely states that the beneficiary's "marriage to Kimberly Shastal was entered into for the purpose of evading immigration laws and therefore fraudulent." The notification of revocation does not provide any factual basis for arriving at this conclusion. Previously the petitioner and the

beneficiary provided the government with the following documents, copies of which are attached hereto as Exhibits B-F:

1. A lease for the property at 640 West Sheridan Rd. Apt. 502 in the name of Kimberly and Mazenah Shastal.
2. A letter from First National Bank of Chicago verifying the existence of a savings account in the name of Kimberly and Mazenah Shastal.
3. A notice of termination of tenancy that was served on Kimberly and Mazenah Shastal.
4. An affidavit from Kimberly Shastal describing his relationship with his ex-wife and stating that their marriage was not entered into for the sole purpose of obtaining an immigration benefit for Mazenah.
5. A notarized letter from Stanley Peters confirming that Kimberly and Mazenah had a bona-fide relationship.

The Board of Immigration Appeals has held that a visa petition should not be denied unless the government provides a specific basis for the denial and is able to provide evidence in support of the denial. Matter of Pradieu 19 I+N Dec 419(BIA 1986). In this case the government has failed to provide an affidavit, a sworn statement or any other evidence to support its conclusion that the petitioner's first marriage was not bona-fide. Furthermore the government has failed to provide the petitioner with a meaningful opportunity to rebut its allegations. The petitioner therefore respectfully submits that the approval of his visa petition should be reaffirmed.

**C) The government's decision to approve the visa petition was not erroneous.**

On March 26, 1992 the petitioner filed a visa petition on his wife's behalf. That petition was approved on March 26, 1992. The Immigration Service subsequently sought to revoke the previous approval and on June 21, 1995 a Notice of Revocation was sent to the petitioner at his home address. A notice of appeal was filed with the Board of Immigration Appeals; however, the Form EOIR 29 that was submitted with the notice of appeal was signed by the beneficiary and not the petitioner. Therefore on May 23, 2002 the Board dismissed the appeal for lack of jurisdiction. On July 12, 2002 the petitioner Michael Baraz filed a second visa petition for his wife Mazenah. That petition clearly stated in Section D.2. that a previous petition had been filed and denied (See Exhibit G). On June 17, 2003 the petitioner and the beneficiary were scheduled for a personal interview in the Chicago DHS Office for the purpose of adjudicating the new I-130 petition. On the day of the interview the officer was able to review the beneficiary's entire file, including the original visa petition that was filed in 1992. Based on all of the evidence presented, the new I-130 petition was approved. The petitioner therefore respectfully submits that the decision was not erroneous.





U.S. Citizenship  
and Immigration  
Services

U.S. Department of Homeland Security  
10 West Jackson Boulevard  
Chicago, IL 60604

A29 483 550

FEB 19 2004

Mr. Michael BARAZ  
1034 Randolph Street, #2  
Oak Park, IL 60302

CC: Donald B. Kempster  
332 S. Michigan Avenue, Suite 860  
Chicago, IL 60604

**NOTIFICATION OF REVOCATION OF PETITION FOR ALIEN RELATIVE**

Dear Mr. Baraz,

On July 12, 2002, the Service received another I-130, Petition For Alien Relative. You filed this on behalf of your spouse, Mazenah Baraz. The Service approved it on June 17, 2003. This letter is to notify you that the Service is revoking its erroneous decision rendered on June 17, 2003, for the following reason:

The Immigration and Nationality Act, section 204(c) states:

(c) Notwithstanding the provisions of subsection (b) no petition shall be approved if (1) the alien has previously been accorded, or has sought to be accorded, an immediate relative or preference status as the spouse of a citizen of the United States or the spouse of an alien lawfully admitted for permanent residence, by reason of a marriage determined by the Attorney General to have been entered into for the purpose of evading the immigration laws or (2) the Attorney General has determined that the alien has attempted or conspired to enter into a marriage for the purpose of evading the immigration laws.

On June 21, 1995, the Service sent you and your attorney notification of revocation of the I-130 petition filed by you on behalf of your spouse and approved by the Service on August 04, 1992. The Service revoked its decision because it has been determined by the Attorney General through an investigation, that your spouse's marriage to Kimberly Shastal was entered into for the purpose of evading immigration laws and therefore fraudulent.

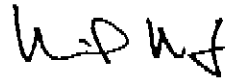
Page 2

A29 483 550

The law is profusely clear that "no petition shall be approved if the alien has previously been accorded, or has sought to be accorded, an immediate relative or preference status as the spouse of a citizen of the United States or the spouse of an alien lawfully admitted for permanent residence, by reason of a marriage determined by the Attorney General to have been entered into for the purpose of evading the immigration laws." This is not new information for you. Both you and your attorney were notified of this back in 1994 through an intent to revoke and in 1995 notifying you of the revocation.

You filed a new I-130 for your spouse and the Service granted this petition in error. Therefore, the I-130, Petition for Alien Relative received by the Service on July 12, 2002, and erroneously approved on June 17, 2003, is hereby revoked as of the date it was erroneously approved.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. Comfort", is written above the typed name.

Michael Comfort  
District Director

DATE OF LEASE	TERM OF LEASE		MONTHLY RENT	SECURITY DEPOSIT
	BEGINNING	ENDING		
APRIL 4, 1990	JUNE 1, 1990	APRIL 30, 1991	\$405.00	\$405.00

wolin-levin, inc.

CHICAGO, ILLINOIS 60615

In consideration of the mutual agreements and covenants set forth below (the same being fully included as part of this Lease) OWNER hereby leases to TENANT and TENANT hereby leases from OWNER for a private dwelling the Apartment designated above, together with the fixtures and accessories belonging thereto, for the above term. All parties listed above, as OWNER and TENANT are herein referred to individually and collectively as OWNER and TENANT respectively.

Tenant shall pay to agent for owner the sum of \$20.00 as a service charge for each dishonored check tendered by tenant to the agent of any sum due said tenant in agent for owner pursuant to the terms of this lease.

[illegible]



**FIRST CHICAGO**  
The First National Bank of Chicago

Mail Suite  
One First National Plaza  
Chicago, Illinois 60670  
Telephone: (312) 732-4000

May 24, 1994

To Whom It May Concern:

This is to verify that Kimberly Shastal and Mazenah Shastal did have an account at First National Bank of Chicago, opened date was January 12, 1991 and it was closed out February 12, 1993. The account was a Savings # 1110600533049.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Mirta Ortiz'.

Mirta Ortiz

Customer Service Representative

landlord's 3, 7, 10, 30  
and 60 Day Notice

Modern Law Terms  
No. 222

# NOTICE OF TERMINATION OF TENANCY

To: KIMBERLY & MAZENAH SHASTAL

You are hereby notified that your tenancy or lease of the following described premises, to wit:  
640 W. Sheridan Road - Apt. 502 - Chicago, Illinois,  
together with all other accommodations used by you in connection therewith, will be terminated as follows:

(1) ( ) There is due the undersigned for accrued and past-due rental for said accommodations aforesaid the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), for which demand is herewith made, and unless payment is made within five (5) days from the date of service hereof, your tenancy is terminated.

(2) (XX) You have breached the terms of your lease for the above accommodations, as follows: Unauthorized person living in apartment and loud music being played all hours of day and night pursuant to Section 193.1-13B of Chicago's Residential Landlord and Tenant Ordinance. and you are notified to quit and deliver up possession of the same within ten (10) days from the date of service.

(3) ( ) The undersigned elects to terminate your \_\_\_\_\_ tenancy of the above described accommodations, and that such termination will be effective on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_.

Unless you promptly comply with the above, suit will be instituted for possession, and you will be liable for rental due and to become due, together with the costs of such proceeding.

Dated this 9th day of October 1990

111 3 day notice for non-payment of rent  
121 10 " " " breach of terms of lease  
131 1 " " " termination week to week lease  
141 1 " " " month to month tenancy  
151 1 " " " year to year tenancy

WOLIN-LEVIN, INC.

Landlord

By: \_\_\_\_\_

Agent

(OVER)

EXHIBIT

D

COUNTY OF COOK            )  
                              )  
STATE OF ILLINOIS        )

AFFIDAVIT

I, KIMBERLY SHASTAL, being duly sworn on oath state the following:

1. I am a native and citizen of the United States of America.

2. I met Mazenah Daud in August of 1987.

3. Mazenah and I met at the Buddhist Temple on Wrightwood Avenue in Chicago, where we both worshipped.

4. After we first met, we got together pretty regularly at the Buddhist Temple--about once every other week.

5. After we each finished meditation, Mazenah would give me rides home from the Temple. Soon, I began staying overnight at her apartment.

6. Around April or May of 1989, Mazenah and I started living together in an apartment at 1248 West Devon Avenue in Chicago.

7. Mazenah and I got married on November 20, 1989 in Chicago, Illinois.

8. Mazenah and I loved each other a great deal, and that is the reason we married.

9. Throughout our relationship, I earned a living working as a handyman and doing construction day jobs. Many of my jobs were out of town, so I was away from home a great deal.

10. In June 1990, Mazenah and I moved to an apartment at 640 West Sheridan Road in Chicago.

11. In October 1990, we were evicted from our apartment on Sheridan Road because her son stayed with us for a while, and the lease did not authorize him to be there.

12. Since our landlord had terminated our lease, no other landlord would rent to us. The only way we could get a new lease was by getting a co-signer. Since I had no credit history, Mazenah signed a lease, and our friend Dawn Bylak co-signed. The three of us moved into an apartment at 633 West Grace in Chicago in November of 1990. Because I worked out of town so much, we thought this arrangement would work well, since Dawn could keep Mazenah company while I was out of town.

12. We were happily married for a while, but a clash developed between our lifestyles and our different social demands. Mazenah's profession demands a social connection in which I have little interest. We began to quarrel a lot about our different expectations for each other and for our marriage.

EXHIBIT

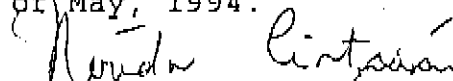
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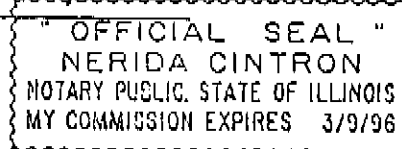
13. Around August 1990, I introduced Mazenah to Michael Baraz, who used to give me job leads. By this time mine and Mazenah's relationship was beginning to fall apart, and Mazenah and Michael became interested in each other.

14. I met another woman, and Mazenah and I separated around January 1991, and we got divorced on July 30, 1991.

  
KIMBERLY SHASTAL

Subscribed and sworn to  
before me this 20<sup>th</sup> day  
of May, 1994.

  
NOTARY PUBLIC



May 20, 1994

Re: Mazenah /Kimberly Shastal

I am a friend of Kim and presently residing at 4128 North Claredon-Apt 328, Chicago.

I worked as a handyman and at present I am a janitor at the above address.

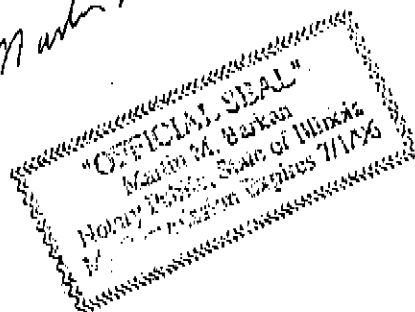
I know both Mazenah and Kim before they were married. Kim introduced me to Mazenah. They were very much in love and got married. I did not meet them as regularly as when they were courting because Kim was always working out of town. I came across Mazenah on the bus two years ago and she told me that Kim wanted a divorce because he had a girlfriend. I was sorry to hear about that. The last I heard of Kim is that he is with his girlfriend in San Diego.

  
Stanley Peters

S/S#: 345-32-1442

MAY 24 1994

Martin M. Barkan





U.S. Department of Justice  
Immigration and Naturalization ServiceOMB #1115-0054  
Petition for Alien Relative

DO NOT WRITE IN THIS BLOCK - FOR EXAMINING OFFICE USE ONLY		
A#	Action Stamp	Fee Stamp
Section of Law/Visa Category <input type="checkbox"/> 201(b) Spouse - IR-1/CR-1 <input type="checkbox"/> 201(b) Child - IR-2/CR-2 <input type="checkbox"/> 201(b) Parent - IR-5 <input type="checkbox"/> 203(a)(1) Imm. S or D - F1-1 <input type="checkbox"/> 203(a)(2)(A) Spouse - F2-1 <input type="checkbox"/> 203(a)(2)(A) Child - F2-2 <input type="checkbox"/> 203(a)(2)(B) Imm. S or D - F2-4 <input type="checkbox"/> 203(a)(3) Married S or D - F3-1 <input type="checkbox"/> 203(a)(4) Brother/Sister - F4-1		Petition was filed on: _____ (priority date) <input type="checkbox"/> Personal Interview <input type="checkbox"/> Previously Forwarded <input type="checkbox"/> Pet. <input type="checkbox"/> Ben. "A" File Reviewed <input type="checkbox"/> I-485 Filed Simultaneously <input type="checkbox"/> Field Investigation <input type="checkbox"/> 204(g) Resolved <input type="checkbox"/> 203(a)(2)(A) Resolved <input type="checkbox"/> 203(g) Resolved
Remarks:		

## A. Relationship You are the petitioner; your relative is the beneficiary.

1. I am filing this petition for my: <input checked="" type="checkbox"/> Husband/Wife <input type="checkbox"/> Parent <input type="checkbox"/> Brother/Sister <input type="checkbox"/> Child	2. Are you related by adoption? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3. Did you gain permanent residence through adoption? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	--	--

## B. Information about you

1. Name (Family Name in CAPS)	(First)	(Middle)
BARAZ	Michael	
2. Address (Number and Street) (Apt. No.)		
331 Shady Lane		
(Town or City)	(State/Country)	(ZIP/Postal Code)
Elmhurst	IL/USA	60126
3. Place of Birth (Town or City) (State/Country)		
Chicago, IL/USA		
4. Date of Birth (Month/Day/Year)	5. Gender	6. Marital Status
01/11/1957	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced
7. Other Names Used (including maiden name)		
None		
8. Date and Place of Present Marriage(if married)		
12/26/1991 Chicago, IL/USA		
9. Social Security Number (if any)	10. Alien Registration Number	
316-58-1346	N/A	
11. Name(s) of Prior Husband(s)/Wife(s)	12. Date(s) Marriage(s) Ended	
Nancye St. Peter	07/30/1991	

## C. Information about your relative

1. Name (Family Name in CAPS)	(First)	(Middle)
BARAZ	Mazenah	
2. Address (Number and Street) (Apt. No.)		
331 Shady Lane		
(Town or City)	(State/Country)	(ZIP/Postal Code)
Elmhurst	IL/USA	60126
3. Place of Birth (Town or City) (State/Country)		
Malacca MALAYSIA		
4. Date of Birth (Month/Day/Year)	5. Gender	6. Marital Status
08/27/1943	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	<input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced
7. Other Names Used (including maiden name)		
nee: DAUD; Shastal		
8. Date and Place of Present Marriage(if married)		
12/26/1991 Chicago, IL/USA		
9. Social Security Number (if any)	10. Alien Registration Number	
341-74-3230	A29 483 550	
11. Name(s) of Prior Husband(s)/Wife(s)	12. Date(s) Marriage(s) Ended	
Kimberly Shastal	11/15/1991	
Hari Panday	10/24/1989	
Mazlan Abdullah	03/31/1977	

## 13. If you are a U.S. citizen, complete the following:

My citizenship was acquired through (check one):

- ☒ Birth in the U.S.  
☐ Naturalization. Give certificate number, date and place of issuance.  
☐ Parents. Have you obtained a certificate of citizenship in your own name?  
☐ Yes. Give certificate number, date and place of issuance ☐ No

## 14a. If you are a lawful permanent resident alien, complete the following: Date and place of admission for, or adjustment to, lawful permanent residence and class of admission.

14b. Did you gain permanent resident status through marriage to a United States citizen or lawful permanent resident?  
☐ Yes ☐ No

## 13. Has your relative ever been in the U.S.?

☒ Yes ☐ No

## 14. If your relative is currently in the U.S., complete the following: He or she last arrived as a: A-2 (visitor, student, stowaway, without inspection, etc.)

Arrival/Departure Record (I-94) Date arrived (Month/Day/Year)  
582-87567302 02/03/1992

Date authorized stay expired, or will expire, as shown on Form I-94 or I-95

15. Name and address of present employer(if any)  
NoneDate this employment began (Month/Day/Year)  
N/A

## 16. Has your relative ever been under immigration proceedings?

- ☐ No ☒ Yes Where Chicago When 07/18/02  
☐ Removal ☒ Exclusion/Deportation ☐ Reversion ☐ Judicial Proceedings

INITIAL RECEIPT \_\_\_\_\_ RESUBMITTED \_\_\_\_\_ RELOCATED: Rec'd \_\_\_\_\_ Sent \_\_\_\_\_ COMPLETED: App'd \_\_\_\_\_ Denied \_\_\_\_\_ Ret'd \_\_\_\_\_

**C. Information about your relative (continued)**

17. List husband/wife and all children of your relative.

(Name)	(Relationship)	(Date of Birth)	(Country of Birth)
MAZLEN Mazlin	Son	02/19/1964	SINGAPORE
MAZLEN Mazween	Son-Deceased	03/11/1965	SINGAPORE
MAZLEN Mazarila	Daughter	05/16/1971	MALAYSIA

18. Address in the United States where your relative intends to live.

(Street Address)	(Town or City)	(State)
331 Shady Lane	Elmhurst	IL

19. Your relative's address abroad (Include street, city, province and country)

N/A

Phone Number (if any)

20. If your relative's native alphabet is other than Roman letters, write his or her name and foreign address in the native alphabet.

(Name)

Address (Include street, city, province and country):

21. If filing for your husband/wife, give last address at which you lived together (Include street, city, province, if any, and country):

331 Shady Lane, Elmhurst, IL/USA

From:	To:
(Month) (Year)	(Month) (Year)
11/1992	PRESENT

22. Complete the information below if your relative is in the United States and will apply for adjustment of status

Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident in the office of the Immigration and Naturalization Service in Chicago IL. If your relative is not eligible for adjustment of status, he or she

will apply for a visa abroad at the American consular post in Kuala Lumpur MALAYSIA

(City) (State) (City) (Country)

NOTE: Designation of an American embassy or consulate outside the country of your relative's last residence does not guarantee acceptance for processing by that post. Acceptance is at the discretion of the designated embassy or consulate.

**D. Other information**

1. If separate petitions are also being submitted for other relatives, give names of each and relationship.

None

2. Have you ever filed a petition for this or any other alien before? ☒ Yes ☐ No

If "Yes", give name, place and date of filing and result.

BARAZ, Mazenah, 03/02/1992, Chicago, IL, Denied.

**WARNING:** INS investigates claimed relationships and verifies the validity of documents. INS seeks criminal prosecutions when family relationships are falsified to obtain visas.

**PENALTIES:** By law, you may be imprisoned for not more than five years or fined \$250,000, or both, for entering into a marriage contract for the purpose of evading any provision of the immigration laws. In addition, you may be fined up to \$10,000 or imprisoned up to five years, or both, for knowingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.

**YOUR CERTIFICATION:** I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking.

**E. Signature of petitioner.**Date 03 July 2002 Phone Number 630.833.8890**F. Signature of person preparing this form, if other than the petitioner.**

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

Print Name Donald B. Kempster, Esq.Signature Donald B. KempsterDate 7/10/02Address 332 S. Michigan Avenue, Suite 860, Chicago, IL 60604

G-28 ID or VOLAG Number, if any.

CHI 00 1260

CERTIFICATE OF SERVICE

I, Donald B. Kempster, an attorney in the State of Illinois, hereby certify that I have caused a copy of the attached Notice of Appeal to the Board of Immigration Appeals to be delivered to the Office of the District Counsel, U.S. Citizenship & Immigration Services, 55 East Monroe, Ste. 1700, Chicago, Illinois on the 3<sup>rd</sup> day of March 2004.

Donald B. Kempster

---

Donald B. Kempster

Donald B. Kempster  
Kempster, Keller & Lenz-Calvo, Ltd.  
332 S. Michigan Ave., Suite 1428  
Chicago, Illinois 60604  
(312) 341-9730

Attorney Code: 26650

**NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE  
BEFORE THE BOARD OF IMMIGRATION APPEALS  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

## TYPE OF PROCEEDING:

☐ Deportation      ☐ Bond Redetermination      ☐ Disciplinary  
☒ Removal      ☐ Motion to Reopen/Reconsider  
☐ Exclusion      ☐ Rescission

I hereby enter my appearance as attorney or representative for, and at the request of, the following named person(s):

NAME (First) (Middle Initial) (Last)

Michael

BARAZ

DATE 3/03/04

ALIEN NUMBER(S) (list lead alien number and all family member alien numbers if applicable)

A29 483 550

ADDRESS (Number & Street) (Apt. No.) (City) (State) (Zip Code)  
 1034 West Randolph Oak Park IL 60302

Please check one of the following:

I am a member in good standing of the bar of the highest court(s) of the following State(s), possession(s), Territory(ies), Commonwealth(s), or the District of Columbia:

Name(s) of Court(s)

State Bar No. (if applicable)

Illinois Supreme Court

(Please use space on reverse side to list additional jurisdictions.)

I ☒ am not (or ☐ am - explain fully on reverse side) subject to any order of any court or administrative agency disbarring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above comprise all of the jurisdictions other than federal courts where I am licensed to practice law.



2. I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Executive Office for Immigration Review (provide name of organization):



3. I am a law student or law graduate, reputable individual, accredited official, or other person authorized to represent individuals pursuant to 8 C.F.R. § 292. (Explain fully on reverse side.)

I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representation before the Board of Immigration Appeals. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE

EOIR ID#

TELEPHONE NUMBER (Include Area Code)

DATE

Donald B. Kempster

312-341-9730

3/03/04

NAME OF ATTORNEY OR REPRESENTATIVE (TYPE OR PRINT)

ADDRESS

☐ Check here if this is a new address.

Donald B. Kempster, Esq.  
 Kempster, Keller & Lenz-Calvo, Ltd.

332 S. Michigan Ave., Suite 1428  
 Chicago, IL 60604

## Certificate of Service

I, Donald B. Kempster, Esq. mailed or delivered a copy of the foregoing on 3/3/04 to the Immigration  
 (Name) (Date)

and Naturalization Service at

55 East Monroe, Ste. 1700

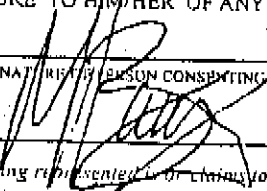
(Address)

x Donald B. Kempster  
 Signature of Attorney or Representative

OMB#1125-0005

FORM EOIR-27  
August 99

(Note: Alien may be required to sign Acknowledgement and Consent on reverse side of this form.)

I HEREBY ACKNOWLEDGE THAT THE ABOVE-NAMED ATTORNEY OR REPRESENTATIVE REPRESENTS ME IN THESE PROCEEDINGS AND I CONSENT TO DISCLOSURE TO HIM/HER OF ANY RECORDS PERTAINING TO ME WHICH APPEAR IN ANY EOIR SYSTEM OF RECORDS.	
NAME OF PERSON CONSENTING	SIGNATURE OF PERSON CONSENTING
Michael BARAZ	 20 Feb 2004
(NOTE: The Privacy Act of 1974 requires that if the person being represented is or claims to be a citizen of the United States or an alien lawfully admitted for permanent residence, he/she must sign this form.)	

**APPEARANCES** - An appearance shall be filed on EOIR Form-27 by the attorney or representative appearing in each case before the Board of Immigration Appeals (see 8 C.F.R. § 3.38((g)), even though the attorney or representative may have appeared in the case before the Immigration Judge or the Immigration and Naturalization Service. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature shall constitute a representation that, under the provisions of 8 C.F.R. Chapter 3, he/she is authorized and qualified to represent individuals. Thereafter, substitution or withdrawal may be permitted upon the approval of the Board of a request by the attorney or representative of record in accordance with Matter of Resales, 19 I&N Dec. 655 (1988). Further proof of authority to act in a representative capacity may be required.

**REPRESENTATION** - A person entitled to representation may be represented by any of the following:

- (1) Attorneys in the United States as defined in 8 C.F.R. § 1.1(f).
- (2) Law students and law graduates not yet admitted to the bar as defined in 8 C.F.R. § 292.1(a)(2).
- (3) Reputable individuals as defined in 8 C.F.R. § 292.1(a)(3).
- (4) Accredited representative as defined in 8 C.F.R. § 292.1(a)(4).
- (5) Accredited officials as defined in 8 C.F.R. § 292.1(a)(5).

THIS FORM MAY NOT BE USED TO REQUEST RECORDS UNDER THE FREEDOM OF INFORMATION ACT OR THE PRIVACY ACT. THE MANNER OF REQUESTING SUCH RECORDS IS CONTAINED IN 28 C.F.R. §§ 16.1-16.11 AND APPENDICES.

Public reporting burden for the collection of information is estimated to average 6 minutes per response, including the time for reviewing the data needed, completing and reviewing the collection of information, and record-keeping. Send comments regarding this burden estimate or any other aspect of this information collection including suggestions for reviewing this burden to the Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2400, Falls Church, VA 22041.

(Please attach additional sheets of paper as necessary.)

KEMPSTER, KELLER AND LENZ-CALVO, LTD.

ATTORNEYS AT LAW

SUITE 1428  
332 SOUTH MICHIGAN AVENUE  
CHICAGO, ILLINOIS 60604  
(312) 341-9730  
FAX (312) 341-0399  
www.kkc-ltd.com

2004 OCT 28 P 3:16

INS-CNH-EXAMS  
JUDICATION BRANCH

OF COUNSEL  
DOUGLAS BRISTOL

\*DONALD B. KEMPSTER  
CHERYL LENZ-CALVO  
MARTINA M. KELLER

WILLIAM A. QUICENO  
THERESA A. CONCORAN  
DIANA C. BAUERLE

\*ALSO ADMITTED IN INDIANA

October 27, 2004

Ms. Stacy Sommers  
Examinations Supervisor  
Department of Homeland Security  
Citizenship and Immigration Services  
230 S. Dearborn, 23<sup>rd</sup> Floor  
Chicago, IL 60604

RE: Michael Baraz  
Petitioner.  
Mazenah Baraz  
Beneficiary.  
File A29 483 550

Dear Ms. Sommers:

Attached please find a copy of an inquiry letter that our office has recently forwarded to Michael Comfort regarding the status of a Notice of Appeal to the Board of Immigration Appeals from a Decision of an INS officer. This appeal was in response to a Notification of Revocation of Petition for Alien Relative in connection with the above-referenced I-130. Our office has no indication that this appeal was ever transferred to the Board of Immigration Appeals. I ask that you please look into this matter and transfer it to the Board of Immigration Appeals if possible. In order to facilitate the inquiry process, I have attached a copy of the date-stamped appeal.

I trust that you will not hesitate to contact me should you have any questions or concerns.

Very truly yours,

*Donald B. Kempster*

Donald B. Kempster  
Attorney at Law

KEMPSTER, KELLER AND LENZ-CALVO, LTD.

ATTORNEYS AT LAW

SUITE 1425

332 SOUTH MICHIGAN AVENUE

CHICAGO, ILLINOIS 60604

(312) 341-9730

FAX (312) 341-0399

www.kkc-ltd.com

\*DONALD B. KEMPSTER  
CHERYL LENZ-CALVO  
MARTINA M. KELLER

OF COUNSEL  
DOUGLAS BRISTOL

WILLIAM A. QUICENO  
THERESA A. CORCORAN  
DIANA C. BAUERLE

\*ALSO ADMITTED IN INDIANA

October 27, 2004

Mr. Mike Comfort  
District Director  
Department of Homeland Security  
Citizenship and Immigration Services  
10 West Jackson, 3<sup>rd</sup> Floor  
Chicago, IL 60604

RE: Michael Baraz  
Petitioner.  
Mazenah Baraz  
Beneficiary.  
File A29 483 550

Dear Mr. Comfort:

On February 19, 2004, your office issued a Notification of Revocation of Petition for Alien Relative in connection with a visa petition that was filed by our client Michael Baraz on behalf of his spouse Mazenah Baraz. On March 03, 2004, our office filed a Notice of Appeal to the Board of Immigration Appeals from a Decision of an INS Officer with your office (see attached copy). To date, our office has received no update regarding the status of this appeal.

According to a representative at the Clerk's Office of the Board of Immigration Appeals, their office has no record of our appeal. At this time we request that you please provide us with an update on the status of the above-referenced.

I trust that you will not hesitate to contact me should you have any questions or concerns.

Very truly yours,



Donald B. Kempster  
Attorney at Law

U.S. Department of Justice  
Executive Office for Immigration Review  
Board of Immigration Appeals

Notice of Appeal to the Board of Immigration  
Appeals from a Decision of an INS Officer

WHERE TO FILE THIS APPEAL:

Do not file this directly with the board of Immigration Appeals.

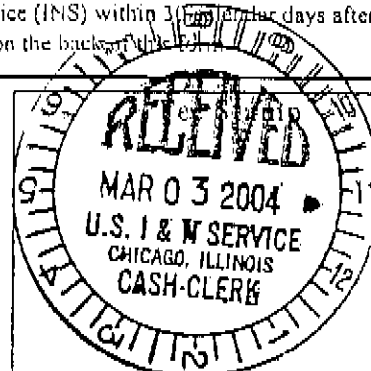
This notice of appeal must be filed with the Immigration and Naturalization Service (INS) within 30 calendar days after service of the decision of the INS Officer. Please read the complete instructions on the back of this form.

In the Matter of (Name and "A" Number):

Mazenah

BARAZ

A29 483 550



- I hereby appeal to the Board of Immigration Appeals from the decision on the  
Michael Comfort, District Director dated 2/19/2004, in the  
(Title of INS officer) (Date of INS Decision)  
above entitled case.
- Specify reasons for this appeal and continue on separate sheets if necessary. Please refer to Instruction #2 for further guidance. *Warning: If the factual or legal bases for the appeal is not sufficiently described, the appeal may be summarily dismissed.*  
Please see attached.

3. Do you desire oral argument before the Board of Immigration Appeals? ☒ Yes ☐ No

4. Do you intend to file a separate written brief or statement after filing this Notice of Appeal?  
☒ Yes ☐ No - I request a 30-day period after receipt of government response in order to submit a written brief.

Date

20 Feb 2004

Signature of Appellant  
(or attorney or representative)  
Michael Baraz

(Print or type name)

1034 West Randolph

Oak Park

IL 60302

Address (number, street, city, state, ZIP code)



2.A) The government's revocation of the visa petition clearly fails to comply with the requirements of Section 205 of the Immigration and Nationality Act and 8 CFR § 205.2.

Section 205 of the Immigration and Nationality Act states that a revocation shall have no effect unless it has been mailed to the petitioner's last known address and unless the beneficiary is notified before he or she commences a journey to the United States. Federal Regulations at 8 CFR § 205.2 further provide that:

(b) Notice of intent. Revocation of the approval of a petition or self-petition under paragraph (a) of this section will be made only on notice to the petitioner or self-petitioner. The petitioner or self-petitioner must be given the opportunity to offer evidence in support of the petition or self-petition and in opposition to the grounds alleged for revocation of the approval. (Revised 3/26/96; 61 FR 13061)

(c) Notification of revocation. If, upon reconsideration, the approval previously granted is revoked, the director shall provide the petitioner or the self-petitioner with a written notification of the decision that explains the specific reasons for the revocation. The director shall notify the consular officer having jurisdiction over the visa application, if applicable, of the revocation of an approval. (Added 3/26/96; 61 FR 13061)

(d) Appeals. The petitioner or self-petitioner may appeal the decision to revoke the approval within 15 days after the service of notice of the revocation. The appeal must be filed as provided in part 3 of this chapter, unless the Associate Commissioner for Examinations exercises appellate jurisdiction over the revocation under part 103 of this chapter. Appeals filed with the Associate Commissioner for Examinations must meet the requirements of part 103 of this chapter. (Added 3/26/96; 61 FR 13061) [48 FR 19156, Apr. 28, 1983]

In this case petitioner's counsel was served with the notification of revocation at the commencement of a removal hearing that had been scheduled in order to consider the beneficiary's application for adjustment of status. The Office of U.S. Citizenship and Immigration Services did not send a copy of the revocation to the petitioner, it did not serve the petitioner with a notice of an intent to revoke, and "opportunity to offer evidence in support of the petition or self-petition and in opposition to the grounds alleged for revocation," and it did not notify the petitioner of his right to file an appeal as required by the regulations (See Exhibit A).

B) The Government's revocation of the visa petition fails to provide an adequate factual basis for the revocation.

The Regulations at 8 CFR § 205.2 clearly state that the government is required to give the petitioner an opportunity to offer evidence in opposition to the grounds alleged for revocation. In this case the notification of revocation merely states that the beneficiary's "marriage to Kimberly Shastal was entered into for the purpose of evading immigration laws and therefore fraudulent." The notification of revocation does not provide any factual basis for arriving at this conclusion. Previously the petitioner and the

beneficiary provided the government with the following documents, copies of which are attached hereto as Exhibits B-F:

1. A lease for the property at 640 West Sheridan Rd. Apt. 502 in the name of Kimberly and Mazenah Shastal.
2. A letter from First National Bank of Chicago verifying the existence of a savings account in the name of Kimberly and Mazenah Shastal.
3. A notice of termination of tenancy that was served on Kimberly and Mazenah Shastal.
4. An affidavit from Kimberly Shastal describing his relationship with his ex-wife and stating that their marriage was not entered into for the sole purpose of obtaining an immigration benefit for Mazenah.
5. A notarized letter from Stanley Peters confirming that Kimberly and Mazenah had a bona-fide relationship.

The Board of Immigration Appeals has held that a visa petition should not be denied unless the government provides a specific basis for the denial and is able to provide evidence in support of the denial. Matter of Pradieu 19 I+N Dec 419(BIA 1986). In this case the government has failed to provide an affidavit, a sworn statement or any other evidence to support its conclusion that the petitioner's first marriage was not bona-fide. Furthermore the government has failed to provide the petitioner with a meaningful opportunity to rebut its allegations. The petitioner therefore respectfully submits that the approval of his visa petition should be reaffirmed.

**C) The government's decision to approve the visa petition was not erroneous.**

On March 26, 1992 the petitioner filed a visa petition on his wife's behalf. That petition was approved on March 26, 1992. The Immigration Service subsequently sought to revoke the previous approval and on June 21, 1995 a Notice of Revocation was sent to the petitioner at his home address. A notice of appeal was filed with the Board of Immigration Appeals; however, the Form EOIR 29 that was submitted with the notice of appeal was signed by the beneficiary and not the petitioner. Therefore on May 23, 2002 the Board dismissed the appeal for lack of jurisdiction. On July 12, 2002 the petitioner Michael Baraz filed a second visa petition for his wife Mazenah. That petition clearly stated in Section D.2. that a previous petition had been filed and denied (See Exhibit G). On June 17, 2003 the petitioner and the beneficiary were scheduled for a personal interview in the Chicago DHS Office for the purpose of adjudicating the new I-130 petition. On the day of the interview the officer was able to review the beneficiary's entire file, including the original visa petition that was filed in 1992. Based on all of the evidence presented, the new I-130 petition was approved. The petitioner therefore respectfully submits that the decision was not erroneous.



U.S. Citizenship  
and Immigration  
Services

U.S. Department of Homeland Security  
10 West Jackson Boulevard  
Chicago, IL 60604

A29 483 550

FEB 19 2004

Mr. Michael BARAZ  
1034 Randolph Street, #2  
Oak Park, IL 60302

CC: Donald B. Kempster  
332 S. Michigan Avenue, Suite 860  
Chicago, IL 60604

**NOTIFICATION OF REVOCATION OF PETITION FOR ALIEN RELATIVE**

Dear Mr. Baraz,

On July 12, 2002, the Service received another I-130, Petition For Alien Relative. You filed this on behalf of your spouse, Mazenah Baraz. The Service approved it on June 17, 2003. This letter is to notify you that the Service is revoking its erroneous decision rendered on June 17, 2003, for the following reason:

The Immigration and Nationality Act, section 204(c) states:

(c) Notwithstanding the provisions of subsection (b) no petition shall be approved if (1) the alien has previously been accorded, or has sought to be accorded, an immediate relative or preference status as the spouse of a citizen of the United States or the spouse of an alien lawfully admitted for permanent residence, by reason of a marriage determined by the Attorney General to have been entered into for the purpose of evading the immigration laws or (2) the Attorney General has determined that the alien has attempted or conspired to enter into a marriage for the purpose of evading the immigration laws.

On June 21, 1995, the Service sent you and your attorney notification of revocation of the I-130 petition filed by you on behalf of your spouse and approved by the Service on August 04, 1992. The Service revoked its decision because it has been determined by the Attorney General through an investigation, that your spouse's marriage to Kimberly Shastal was entered into for the purpose of evading immigration laws and therefore fraudulent.

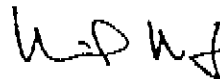
Page 2

A29 483 550

The law is profusely clear that "no petition shall be approved if the alien has previously been accorded, or has sought to be accorded, an immediate relative or preference status as the spouse of a citizen of the United States or the spouse of an alien lawfully admitted for permanent residence, by reason of a marriage determined by the Attorney General to have been entered into for the purpose of evading the immigration laws." This is not new information for you. Both you and your attorney were notified of this back in 1994 through an intent to revoke and in 1995 notifying you of the revocation.

You filed a new I-130 for your spouse and the Service granted this petition in error. Therefore, the I-130, Petition for Alien Relative received by the Service on July 12, 2002, and erroneously approved on June 17, 2003, is hereby revoked as of the date it was erroneously approved.

Sincerely,



Michael Comfort  
District Director

# **APARTMENT LEASE NOT FURNISHED**

I.D. #122-150		NOT FURNISHED			
DATE OF LEASE	TERM OF LEASE		MONTHLY RENT	SECURITY DEPOSIT	
	BEGINNING	ENDING			
APRIL 4, 1990	JUNE 1, 1990	APRIL 30, 1991	\$405.00	\$405.00	

TENANT

KIMBERLY & HAZENAH SHASTAL  
APT. 1502  
640 WEST SHERIDAN ROAD.  
CHICAGO, ILLINOIS. 60613.

OWNER

wolin-levin, inc.

As Agent for Owner

1740 EAST 55th STREET  
CHICAGO, ILLINOIS 60615

604-6300

In consideration of the mutual covenants and covenants set forth below (the same being fully included as part of this Lease) OWNER hereby leases to TENANT and TENANT hereby leases from OWNER for a private dwelling the Apartment designated above, together with the fixtures and accessories belonging thereto, for the above term. All parties listed above as OWNER and TENANT are herein referred to individually and collectively as OWNER and TENANT respectively.

LESSOR SHALL PAY TO LESSOR THE SUM OF \$10.00 AS A SERVICE CHARGE FOR EACH MONTHLY RENT  
WHICH IS NOT RECEIVED BY LESSOR BY THE 10th DAY OF THE MONTH.

Tenant shall pay to agent for owner the sum of \$20.00 as a service charge for each dishonored check tendered by Tenant to agent for owner in payment of any sums due from Tenant to agent for owner pursuant to the terms of this lease.

## **LEASE AGREEMENTS AND COVENANTS**

RENT

1. TENANT shall on the first day of each month pay to OWNER or OWNER'S agent if Lower executed by agent in advance the rent set forth above at the address set forth above for each other address as OWNER may designate in writing. The time of each and every payment of rent is of the essence of this Lease.

SECURITY DEPOSIT

2. TENANT has deposited with OWNER the security deposit set forth above for the performance of each and every covenant and agreement of this Lease. OWNER shall have the right, but not the obligation, to apply the security deposit in whole or in part in payment of any unpaid rent or other amount due because of non-performance of any covenant or agreement by TENANT. OWNER'S right in possession of the premises, for nonpayment of rent or for any other reason shall not be affected by the fact that OWNER holds security. TENANT'S liability is not limited to the amount of the security deposit. On termination of the Lease and full payment of all amounts due and performance of all TENANT'S covenants and agreements (including covenants of Apartment in accordance with paragraph 12), the security deposit or any portion thereof remaining unapplied shall be returned with interest to TENANT within 30 days.

FALSE APPLICATION

3. The application for this Lease and all representations and promises contained therein are hereby made a part of this Lease. TENANT warrants that the information given by TENANT in the application is true. If such information is false, OWNER may at OWNER'S option terminate this Lease.

CONDITION OF APARTMENT, UPKEEP

4. TENANT has examined the Apartment and acknowledges that, except for the work OWNER has agreed to do in the application or otherwise in writing, TENANT is satisfied with the present physical condition of the Apartment and that neither OWNER nor OWNER'S agent has made any representations or promises concerning the physical condition of the Apartment except those specifically set forth in this Lease. Upon reasonable notice from TENANT, OWNER shall keep in repair the following properly (except if repair is necessitated by TENANT'S negligence or willful act): (a) the plumbing and electrical work, wiring by OWNER, the refrigerator, stove, air conditioning units and dishwasher; (b) the plumbing and electrical work, wiring by OWNER, the refrigerator, stove, air conditioning units and dishwasher; and (c) the floor, interior and exterior walls, supports, ceiling and roof. The failure to keep any of the foregoing in repair shall not affect the obligation of TENANT to pay rent, and TENANT shall remedy therefor within 10 days of discovery of damages from OWNER. In the event any repair or replacement is necessitated by negligence or willful act of TENANT, TENANT shall at once demand reimbursement from OWNER for the cost thereof. TENANT shall comply with all responsibilities imposed on tenants by the applicable Municipal Code and other regulations. TENANT shall not suffer or permit any person to enter the Apartment or the Building or the Quillage and shall at TENANT'S expense keep the Apartment in good order and repair (except to the extent OWNER has in this Lease agreed to make any repairs or replacements) and shall return the Apartment in such condition and repair, on demand, to OWNER or OWNER'S agent on or before the termination of the Lease and shall pay OWNER the cost of such work.

USE OF APARTMENT

5. The Apartment shall be occupied solely for residential purposes by TENANT, those other persons listed in the application for this Lease, and any children which may be born to or legally adopted by TENANT during the Term. Neither TENANT nor any of these persons shall perform or permit any practice that may damage the reputation of or otherwise be injurious to the Building or the neighborhood, or be disturbing to other tenants or increase the rate of insurance on the Building.

ASSIGNMENT, SURRENDER, ABANDONMENT, RESIGNMENT, TERMINATION OF RIGHT OF POSSESSION, RE-ENTRY

6. TENANT shall neither sublet the Apartment or any part thereof nor assign this Lease nor permit by any act of itself or any person any transfer of TENANT'S interest by operation of law, nor offer the Apartment or any part thereof for lease or sublease without, in each case, the written consent of OWNER. (TENANT vacates or abandons the Apartment, or (b) days non-occupation being deemed as abandonment, or breaches any covenant or agreement in this Lease. TENANT'S right to possession of the Apartment shall immediately terminate. The mere retention of possession thereafter by TENANT shall constitute a forcible detainer and if OWNER so elects, but not otherwise, OWNER shall thereupon terminate, but this Lease shall automatically terminate without need of an election by OWNER. In any such case any transfer of TENANT'S interest by operation of law such as TENANT'S bankruptcy or insolvency, in any such case any transfer of TENANT'S interest by operation of law shall be void for such cause and each period as OWNER elects the Apartment or any part of it may be relet by OWNER for such cause and each period as OWNER elects without releasing TENANT from any liability under this Lease. On such termination TENANT shall vacate and without possession of the Apartment immediately and OWNER or OWNER'S agent shall have full and free access, with or without possession of the Apartment and to represent himself of the Apartment as of his former state. Such person who may be occupying the Apartment and to represent himself of the Apartment as of his former state. Such person who may be occupying the Apartment shall not constitute trespass or forcible entry and shall not cause a forfeiture of rent due by default of payment or a waiver of TENANT'S covenants or agreements in this Lease. OWNER may for any reason reject any prospective new tenant offered by TENANT or by others. OWNER may let other vacancies in the Building first before reletting or attempting to relet the Apartment. TENANT shall on demand pay all damages if the reletting is not at least to satisfy the rent provided in this Lease and in addition shall pay all expenses of reletting, including advertising, repairs, replacements and brokerage commissions at rates recommended by the Chicago Real Estate Board.

ALTERATIONS, ADDITIONS, FIXTURES, APPLIANCES

7. TENANT shall make no alterations or additions nor install nor maintain in the Apartment or any part of the Building, interior or exterior, major appliances or devices of any kind without in each case the written consent of OWNER and on the terms and conditions specified in such written consent. All alterations, additions and fixtures, including locks and bolts, shall remain as part of the Apartment unless OWNER otherwise elects.

ACCESS

8. OWNER, OWNER'S agent and any other person authorized by the same shall at any time have the right of free access during the Term to inspect, repair, alter or exhibit the Apartment for sale, and at any time within ninety (90) days prior to the end of the Term to exhibit the Apartment for rent and to effect a "For Rent" sign in such place as OWNER or OWNER'S agent shall determine, all without interference of any kind and regardless of consent by TENANT or others. TENANT shall pay OWNER and (b) month's rent as liquidated damages for such interference with the right set forth in this paragraph.

HEATING AND WATER

9. OWNER shall furnish in and for the use of TENANT, in fixtures provided for such purpose by OWNER and no other fixtures, hot and cold water during the Term and, in radiators or other heating fixtures in the Apartment, a reasonable amount of heat at reasonable hours from September 15 to June 1, as required by the applicable Municipal Code, except when prevented by causes beyond the control or prevention of OWNER, or except during the repair of the apparatus provided in the Building for the furnishing of water and heat.



**FIRST CHICAGO**  
The First National Bank of Chicago

Mail Suite  
One First National Plaza  
Chicago, Illinois 60670  
Telephone: (312) 732-4000

May 24, 1994

To Whom It May Concern:

This is to verify that Kimberly Shastal and Mazenah Shastal did have an account at First National Bank of Chicago, opened date was January 12, 1991 and it was closed out February 12, 1993. The account was a Savings # 1110600533049.

Sincerely,

A handwritten signature in cursive script that reads 'Mirta Ortiz'.

Mirta Ortiz

Customer Service Representative

landlord's 3, 7, 10, 30  
and 60 Day Notice

Modern Law Journal  
No. 212

# NOTICE OF TERMINATION OF TENANCY

To: KIMBERLY & MAZENAH SHASTAL

You are hereby notified that your tenancy or lease of the following described premises, to wit:  
640 W. Sheridan Road - Apt. 502 - Chicago, Illinois,  
together with all other accommodations used by you in connection therewith, will be terminated as follows:

(1) ( ) There is due the undersigned for accrued and past-due rental for said accommodations aforesaid the sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), for which demand is herewith made, and unless payment is made within five (5) days from the date of service hereof, your tenancy is terminated.

(2) (XX) You have breached the terms of your lease for the above accommodations, as follows: Unauthorized person living in apartment and loud music being played all hours of day and night pursuant to Section 193.1-13B of Chicago's Residential Landlord and Tenant Ordinance, and you are notified to quit and deliver up possession of the same within ten (10) days from the date of service

(3) ( ) The undersigned elects to terminate your \_\_\_\_\_ tenancy of the above described accommodations, and that such termination will be effective on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

Unless you promptly comply with the above, suit will be instituted for possession, and you will be liable for rental due and to become due, together with the costs of such proceeding.

Dated this 9th day of October

19 90

111. A day notice by non-payment of rent  
112. A day notice by breach of terms of lease  
113. A day notice by terminating week to week lease  
114. A day notice by terminating month to month tenancy  
115. A day notice by terminating year to year tenancy

WOLIN-LEVIN, INC.

Landlord

By: \_\_\_\_\_

Agent

(OVER)

COUNTY OF COOK       )  
                              )  
STATE OF ILLINOIS    )

AFFIDAVIT

I, KIMBERLY SHASTAL, being duly sworn on oath state the following:

1. I am a native and citizen of the United States of America.

2. I met Mazenah Daud in August of 1987.

3. Mazenah and I met at the Buddhist Temple on Wrightwood Avenue in Chicago, where we both worshipped.

4. After we first met, we got together pretty regularly at the Buddhist Temple--about once every other week.

5. After we each finished meditation, Mazenah would give me rides home from the Temple. Soon, I began staying overnight at her apartment.

6. Around April or May of 1989, Mazenah and I started living together in an apartment at 1248 West Devon Avenue in Chicago.

7. Mazenah and I got married on November 20, 1989 in Chicago, Illinois.

8. Mazenah and I loved each other a great deal, and that is the reason we married.

9. Throughout our relationship, I earned a living working as a handyman and doing construction day jobs. Many of my jobs were out of town, so I was away from home a great deal.

10. In June 1990, Mazenah and I moved to an apartment at 640 West Sheridan Road in Chicago.

11. In October 1990, we were evicted from our apartment on Sheridan Road because her son stayed with us for a while, and the lease did not authorize him to be there.

12. Since our landlord had terminated our lease, no other landlord would rent to us. The only way we could get a new lease was by getting a co-signer. Since I had no credit history, Mazenah signed a lease, and our friend Dawn Bylak co-signed. The three of us moved into an apartment at 633 West Grace in Chicago in November of 1990. Because I worked out of town so much, we thought this arrangement would work well, since Dawn could keep Mazenah company while I was out of town.

12. We were happily married for a while, but a clash developed between our lifestyles and our different social demands. Mazenah's profession demands a social connection in which I have little interest. We began to quarrel a lot about our different

EXHIBIT

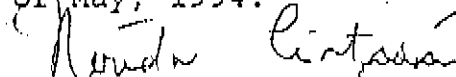


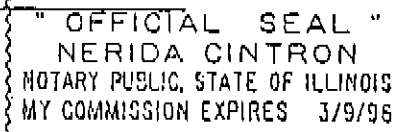
13. Around August 1990, I introduced Mazenah to Michael Baraz, who used to give me job leads. By this time mine and Mazenah's relationship was beginning to fall apart, and Mazenah and Michael became interested in each other.

14. I met another woman, and Mazenah and I separated around January 1991, and we got divorced on July 30, 1991.

  
KIMBERLY SHASTAL

Subscribed and sworn to  
before me this 20<sup>th</sup> day  
of May, 1994.

  
NOTARY PUBLIC



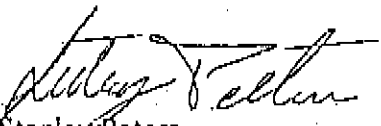
May 20, 1994

Re: Mazenah /Kimberly Shastal

I am a friend of Kim and presently residing at 4128 North Claredon-Apt 328, Chicago.

I worked as a handyman and at present I am a janitor at the above address.

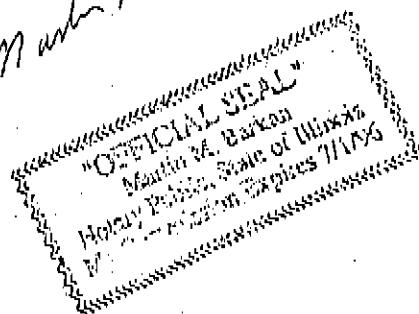
I know both Mazenah and Kim before they were married. Kim introduced me to Mazenah. They were very much in love and got married. I did not meet them as regularly as when they were courting because Kim was always working out of town. I came across Mazenah on the bus two years ago and she told me that Kim wanted a divorce because he had a girlfriend. I was sorry to hear about that. The last I heard of Kim is that he is with his girlfriend in San Diego.

  
Stanley Peters

S/S#: 345-32-1442

MAY 24 1994

Martin M. Barkan



U.S. Department of Justice  
Immigration and Naturalization ServiceOMB #1115-0034  
Petition for Alien Relative

DO NOT WRITE IN THIS BLOCK - FOR EXAMINING OFFICE USE ONLY		
A#	Action Stamp	Fee Stamp
Section of Law/Visa Category <input type="checkbox"/> 201(b) Spouse - IR-1/CR-1 <input type="checkbox"/> 201(b) Child - IR-2/CR-2 <input type="checkbox"/> 201(b) Parent - IR-5 <input type="checkbox"/> 203(a)(1) Unm. S or D - F1-1 <input type="checkbox"/> 203(a)(2)(A) Spouse - F2-1 <input type="checkbox"/> 203(a)(2)(A) Child - F2-2 <input type="checkbox"/> 203(a)(2)(B) Unm. S or D - F2-4 <input type="checkbox"/> 203(a)(1) Married S or D - F3-1 <input type="checkbox"/> 203(a)(4) Brother/Sister - F4-1		<div style="text-align: center; font-size: 2em; font-weight: bold;">COPY</div>
Petition was filed on: _____ (priority date) <input type="checkbox"/> Personal Interview <input type="checkbox"/> Previously Forwarded <input type="checkbox"/> Pet. <input type="checkbox"/> Ben. "A" File Reviewed <input type="checkbox"/> I-485 Filed Simultaneously <input type="checkbox"/> Field Investigation <input type="checkbox"/> 204(g) Resolved <input type="checkbox"/> 203(a)(2)(A) Resolved <input type="checkbox"/> 203(g) Resolved		
Remarks:		

## A. Relationship You are the petitioner; your relative is the beneficiary.

1. I am filing this petition for my: <input checked="" type="checkbox"/> Husband/Wife <input type="checkbox"/> Parent <input type="checkbox"/> Brother/Sister <input type="checkbox"/> Child	2. Are you related by adoption? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3. Did you gain permanent residence through adoption? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
---	--	--

## B. Information about you

1. Name (Family Name in CAPS)	(First)	(Middle)
BARAZ	Michael	
2. Address (Number and Street) (Apt. No.)		
331 Shady Lane		
(Town or City)	(State/Country)	(ZIP/Postal Code)
Elmhurst	IL/USA	60126
3. Place of Birth (Town or City) (State/Country)		
Chicago, IL/USA		
4. Date of Birth (Month/Day/Year)	5. Gender	6. Marital Status
01/11/1957	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	<input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced
7. Other Names Used (including maiden name)		
None		
8. Date and Place of Present Marriage(if married)		
12/26/1991 Chicago, IL/USA		
9. Social Security Number (if any)	10. Alien Registration Number	
316-58-1346	N/A	
11. Name(s) of Prior Husband(s)/Wife(s)	12. Date(s) Marriage(s) Ended	
Nancye St. Peter	07/30/1991	

## C. Information about your relative

1. Name (Family Name in CAPS)	(First)	(Middle)
BARAZ	Mazenah	
2. Address (Number and Street) (Apt. No.)		
331 Shady Lane		
(Town or City)	(State/Country)	(ZIP/Postal Code)
Elmhurst	IL/USA	60126
3. Place of Birth (Town or City) (State/Country)		
Malacca MALAYSIA		
4. Date of Birth (Month/Day/Year)	5. Gender	6. Marital Status
08/27/1943	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	<input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced
7. Other Names Used (including maiden name)		
nee: DAUD; Shastal		
8. Date and Place of Present Marriage(if married)		
12/28/1991 Chicago, IL/USA		
9. Social Security Number (if any)	10. Alien Registration Number	
341-74-3230	A29 483 550	
11. Name(s) of Prior Husband(s)/Wife(s)	12. Date(s) Marriage(s) Ended	
Kimberly Shastal	11/15/1991	
Hari Panday	10/24/1989	
Mazlan Abdullah	03/31/1977	

## 13. If you are a U.S. citizen, complete the following:

My citizenship was acquired through (check one):

- ☒ Birth in the U.S.  
☐ Naturalization. Give certificate number, date and place of issuance.  
☐ Parents. Have you obtained a certificate of citizenship in your own name?  
☐ Yes. Give certificate number, date and place of issuance ☐ No

## 14a. If you are a lawful permanent resident alien, complete the following: Date and place of admission for, or adjustment to, lawful permanent residence and class of admission.

## 14b. Did you gain permanent resident status through marriage to a United States citizen or lawful permanent resident?

☐ Yes ☐ No13. Has your relative ever been in the U.S.? ☒ Yes ☐ No

## 14. If your relative is currently in the U.S., complete the following: He or she last arrived as a: A-2 (visitor, student, stowaway, without inspection, etc.)

Arrival/Departure Record (I-94) Date arrived (Month/Day/Year)  
582-87567302 02/03/1992

Date authorized stay expired, or will expire, as shown on Form I-94 or I-75 03/5

## 15. Name and address of present employer (if any)

None

Date this employment began (Month/Day/Year) N/A

## 16. Has your relative ever been under immigration proceedings?

☐ No ☒ Yes Where Chicago When 07/18/02  
☐ Removal ☒ Exclusion/Deportation ☐ Recission ☐ Judicial Proceedings

INITIAL RECEIPT \_\_\_\_\_ RESUBMITTED \_\_\_\_\_ RELOCATED: Rec'd \_\_\_\_\_ Sent \_\_\_\_\_ COMPLETED: App'd \_\_\_\_\_ Denied \_\_\_\_\_ Ref'd \_\_\_\_\_

## C. Information about your relative (continued)

## 17. List husband/wife and all children of your relative.

(Name)	(Relationship)	(Date of Birth)	(Country of Birth)
MAZLEN Mazlin	Son	02/19/1964	SINGAPORE
MAZLEN Mazween	Son-Deceased	03/11/1965	SINGAPORE
MAZLEN Mazarita	Daughter	05/16/1971	MALAYSIA

## 18. Address in the United States where your relative intends to live.

(Street Address)	(Town or City)	(State)
331 Shady Lane	Elmhurst	IL

## 19. Your relative's address abroad (Include street, city, province and country)

N/A

Phone Number (if any)

## 20. If your relative's native alphabet is other than Roman letters, write his or her name and foreign address in the native alphabet.

(Name)

Address (Include street, city, province and country):

## 21. If filing for your husband/wife, give last address at which you lived together (Include street, city, province, if any, and country):

331 Shady Lane, Elmhurst, IL/USA

From:

(Month) (Year)

11/1992

To:

(Month) (Year)

PRESENT

## 22. Complete the information below if your relative is in the United States and will apply for adjustment of status

Your relative is in the United States and will apply for adjustment of status to that of a lawful permanent resident in the office of the Immigration and Naturalization Service in Chicago IL (City) (State). If your relative is not eligible for adjustment of status, he or she

will apply for a visa abroad at the American consular post in Kuala Lumpur MALAYSIA (City) (Country).

NOTE: Designation of an American embassy or consulate outside the country of your relative's last residence does not guarantee acceptance for processing by that post. Acceptance is at the discretion of the designated embassy or consulate.

## D. Other information

## 1. If separate petitions are also being submitted for other relatives, give names of each and relationship.

None

## 2. Have you ever filed a petition for this or any other alien before?



Yes



No

If "Yes", give name, place and date of filing and result.

BARAZ, Mazenah, 03/02/1992, Chicago, IL, Denied.

WARNING: INS investigates claimed relationships and verifies the validity of documents. INS seeks criminal prosecutions when family relationships are falsified to obtain visas.

PENALTIES: By law, you may be imprisoned for not more than five years or fined \$250,000, or both, for entering into a marriage contract for the purpose of evading any provision of the immigration laws. In addition, you may be fined up to \$10,000 or imprisoned up to five years, or both, for knowingly and willfully falsifying or concealing a material fact or using any false document in submitting this petition.

YOUR CERTIFICATION: I certify, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Furthermore, I authorize the release of any information from my records which the Immigration and Naturalization Service needs to determine eligibility for the benefit that I am seeking.

## E. Signature of petitioner.

Date

03 July 2002

Phone Number

630.833.8890

## F. Signature of person preparing this form, if other than the petitioner.

I declare that I prepared this document at the request of the person above and that it is based on all information of which I have any knowledge.

Donald B. Kempster, Esq.

Print Name

Signature

Donald B. Kempster

Date

7/10/02

Address

332 S. Michigan Avenue, Suite 860, Chicago, IL 60604

G-28 ID or VOLAG Number, if any.

CHI 00 1260

CERTIFICATE OF SERVICE

I, Donald B. Kempster, an attorney in the State of Illinois, hereby certify that I have caused a copy of the attached Notice of Appeal to the Board of Immigration Appeals to be delivered to the Office of the District Counsel, U.S. Citizenship & Immigration Services, 55 East Monroe, Ste. 1700, Chicago, Illinois on the 3<sup>rd</sup> day of March 2004.

Donald B. Kempster

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Donald B. Kempster

Donald B. Kempster  
Kempster, Keller & Lenz-Calvo, Ltd.  
332 S. Michigan Ave., Suite 1428  
Chicago, Illinois 60604  
(312) 341-9730

Attorney Code: 26650

**NOTICE OF ENTRY OF APPEARANCE AS ATTORNEY OR REPRESENTATIVE  
BEFORE THE BOARD OF IMMIGRATION APPEALS  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW**

## TYPE OF PROCEEDING:

☐ Deportation      ☐ Bond Redetermination      ☐ Disciplinary  
☒ Removal      ☐ Motion to Reopen/Reconsider  
☐ Exclusion      ☐ Rescission

I hereby enter my appearance as attorney or representative for, and at the request of, the following named person(s):

NAME (First) (Middle Initial) (Last)

Michael BARAZ

DATE 3/03/04

ALIEN NUMBER(S) (list lead alien number and all family member alien numbers if applicable)

A29 483 550

ADDRESS (Number & Street) (Apt. No.) (City) (State) (Zip Code)  
1034 West Randolph Oak Park IL 60302

Please check one of the following:

☒ 1 I am a member in good standing of the bar of the highest court(s) of the following State(s), possession(s), Territory(ies), Commonwealth(s), or the District of Columbia:  
Name(s) of Court(s) State Bar No. (if applicable)

Illinois Supreme Court

(Please use space on reverse side to list additional jurisdictions.)

☒ I am not (or ☐ am - explain fully on reverse side) subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law and the courts listed above comprise all of the jurisdictions other than federal courts where I am licensed to practice law.

☐ 2 I am an accredited representative of the following qualified non-profit religious, charitable, social service, or similar organization established in the United States, so recognized by the Executive Office for Immigration Review (provide name of organization):

☐ 3 I am a law student or law graduate, reputable individual, accredited official, or other person authorized to represent individuals pursuant to 8 C.F.R. § 292. (Explain fully on reverse side.)

I have read and understand the statements provided on the reverse side of this form that set forth the regulations and conditions governing appearances and representation before the Board of Immigration Appeals. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNATURE OF ATTORNEY OR REPRESENTATIVE

BOIR ID#

TELEPHONE NUMBER (Include Area Code)

DATE

Donald B. Kempster

312-341-9730

3/03/04

NAME OF ATTORNEY OR REPRESENTATIVE (TYPE OR PRINT)

ADDRESS

☐ Check here if this is a new address.

Donald B. Kempster, Esq.

332 S. Michigan Ave., Suite 1428

Kempster, Keller &amp; Lenz-Calvo, Ltd.

Chicago,

IL

60604

Certificate of Service

I, Donald B. Kempster, Esq. mailed or delivered a copy of the foregoing on 3/3/04 to the Immigration  
(Name) (Date)

and Naturalization Service at 55 East Monroe, Ste. 1700  
(Address)

x Donald B. Kempster  
Signature of Attorney or Representative

OMB#1125-0005

FORM EOIR-27  
August 99

(Note: Alien may be required to sign Acknowledgement and Consent on reverse side of this form.)

I HEREBY ACKNOWLEDGE THAT THE ABOVE-NAMED ATTORNEY OR REPRESENTATIVE REPRESENTS ME IN THESE PROCEEDINGS AND I CONSENT TO DISCLOSURE TO HIM/HER OF ANY RECORDS PERTAINING TO ME WHICH APPEAR IN ANY EOIR SYSTEM OF RECORDS.	
NAME OF PERSON CONSENTING	SIGNATURE OF PERSON CONSENTING
Michael BARAZ	<i>[Signature]</i> 20 Feb 2004
(NOTE: The Privacy Act of 1974 requires that if the person being represented is or claims to be a citizen of the United States or an alien lawfully admitted for permanent residence, he/she must sign this form.)	

**APPEARANCES** - An appearance shall be filed on EOIR Form-27 by the attorney or representative appearing in each case before the Board of Immigration Appeals (see 8 C.F.R. § 3.38(g)), even though the attorney or representative may have appeared in the case before the Immigration Judge or the Immigration and Naturalization Service. When an appearance is made by a person acting in a representative capacity, his/her personal appearance or signature shall constitute a representation that, under the provisions of 8 C.F.R. Chapter 3, he/she is authorized and qualified to represent individuals. Thereafter, substitution or withdrawal may be permitted upon the approval of the Board of a request by the attorney or representative of record in accordance with Matter of Resales, 19 I&N Dec. 655 (1988). Further proof of authority to act in a representative capacity may be required.

**REPRESENTATION** - A person entitled to representation may be represented by any of the following:

- (1) Attorneys in the United States as defined in 8 C.F.R. § 1.1(f).
- (2) Law students and law graduates not yet admitted to the bar as defined in 8 C.F.R. § 292.1(a)(2).
- (3) Reputable individuals as defined in 8 C.F.R. § 292.1(a)(3).
- (4) Accredited representative as defined in 8 C.F.R. § 292.1(a)(4).
- (5) Accredited officials as defined in 8 C.F.R. § 292.1(a)(5).

THIS FORM MAY NOT BE USED TO REQUEST RECORDS UNDER THE FREEDOM OF INFORMATION ACT OR THE PRIVACY ACT. THE MANNER OF REQUESTING SUCH RECORDS IS CONTAINED IN 28 C.F.R. §§ 16.1-16.11 AND APPENDICES.

Public reporting burden for the collection of information is estimated to average 6 minutes per response, including the time for reviewing the data needed, completing and reviewing the collection of information, and record-keeping. Send comments regarding this burden estimate or any other aspect of this information collection including suggestions for reviewing this burden to the Executive Office for Immigration Review, 5107 Leesburg Pike, Suite 2400, Falls Church, VA 22041.

(Please attach additional sheets of paper as necessary.)